IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 15TH SEPTEMBER 2006 / 24TH BHADRA 1928

Bail Appl..No. 5279 of 2006

CMP.4535/2006 of ADDL.C.J.M., ERNAKULAM
CRIME NO.30/2006 OF HILL PALACE POLICE STATION

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PETITIONERS/ACCUSED;

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1. SUNIL S/O. RAJAPPAN NAIR,
   PULLUKATTU VEEDU, WEST MADOM STOP,
   UDAYAMPEROOR, MANAKKUNNAM VILLAGE.

2. ANIL KUMAR @ UNDA ANI,
   S/O.THAMPI, POTHIKKATTU VEEDU,
   WEST OF KACHUPALLY, UDAYAMPEROOR,
   MANAKKUNNAM VILLAGE.

3. MURUGADAS, S/O. GOPALANCHARRY,
   BHAGAVARATHU VEEDU, WEST MADAM STOP
   KADANKULANGARA ROAD, THRIPPUNITHURA,
   NADAMA VILLAGE.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.ARUN EARNEST

RESPONDENTS: COMPLAINANT:

STATE OF KERALA (S.I. OF POLICE,
HILL PALACE POLICE STATION)
REPRESENTED BY PUBLIC PROSECUTOR,
ERNAKULAM.

BY PUBLIC PROSECUTOR T.K. KUNHABDULLA
DGP SHRI P.G. THAMPI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/09/2006, ALONG WITH BA NO. 5288 OF 2006 & BA NO. 5282/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.Nos. 5279/06, 5282/06 & 5288/06

DATED THIS THE 15TH DAY OF SEPTEMBER, 2006

O R D E R

The accused in crime No.30/2006 of Hill Palace Police Station, for the offence punishable under Section 395 IPC, are the petitioners in the above applications.

2. Accused 2 to 4 are the petitioners in B.A.No.5279/2006, the first accused is the petitioner in B.A.No.5282/2006 and sixth accused is the petitioner in B.A.No. 5288/2006.

3. All the accused were arrested on 5.8.2006. The allegation is that the sixth accused, a woman, had enticed the defacto complainant, the Executive Officer of Chottanikkara Devaswam Temple, to her house and other accused, who were prepared to extort money and documents from him, had made him naked and took photographs in different poses and styles with the sixth accused. They also got certain blank white papers and stamp papers signed by the defacto complainant. Though

the Investigating Officer, in the first instance, had referred the matter, as per the complaint, preferred by the defacto complainant, a further investigation was done, as the complaint preferred before the Additional Chief Judicial Magistrate Court, Ernakulam, was forwarded under Section 156(3), to Hill Palace police station. Though the case had been registered under different sections of IPC at the first instance, now the investigation is being proceeded under Section 395 IPC alone. Hence the petitioners are before this Court, under Section 439 Cr.P.C.

4. I had elaborately heard the arguments advanced by both the counsel for the petitioners as well as the prosecution. I had also perused the C.D file. Considering the stage of the investigation, and the recovery which had been effected from the first accused, I am of the opinion that bail could be granted, but with strict conditions, so that they will not go against the further progress of the investigation.

5. In view of the above discussions, I grant bail

and release the petitioners from jail, subject to the following conditions:-

(a). Each petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Additional Chief Judicial Magistrate Court, Ernakulam.

(b). The petitioners shall report before the Investigating Officer, of Hill Palace Police Station on every Thursday, between 10.00 a.m and 12.00 noon, for a period of three months, starting from 21.9.2006, and thereafter, on the first working day of every month, between the same timings, till the final trial and disposal of the Sessions Case. There shall be women police persons when the sixth (6th) accused report before the Investigating Officer.

(c). The petitioners shall not leave the Sessions Division of Ernakulam, till the filing of the final report.

(d). The petitioners shall not leave the State of Kerala, until the final trial and disposal of the case.

(e). The petitioners shall not interfere with the further investigation in any manner, threaten the witnesses or attempt to influence them, or cause any hindrance to the smooth conduct of the prosecution case during the trial.

(f). The passports in the possession of the petitioners shall be surrendered before the Investigating Officer, immediately on their release. If any accused not possessing a passport, he/she shall file an affidavit before the Investigating Officer, to that effect.

The applications are allowed as above.

J.M.JAMES
JUDGE

mrcs